

BILL ANALYSIS

C.S.S.B. 2505
By: Harris
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Rodeo is a large part of Texas tradition, and many young Texans participate in rodeo activities across the state, both in rodeos sponsored by schools and those hosted by other organizations. However, rodeos can become dangerous competitions, as participants ride rough livestock much larger than themselves. As such, there is a high risk of injury for everyone participating in a rodeo event.

C.S.S.B. 2505 requires a child to wear a bull riding helmet and protective vest while engaging in bull riding and requires a primary or secondary school that sponsors, promotes, or otherwise is associated with a rodeo in which a child who attends the school is likely to participate to conduct a mandatory educational program on rodeo safety before the first rodeo associated with the school in each school year. The bill provides that the failure of a child or of the parent or legal guardian of a child to comply with the provisions of the bill does not constitute responsibility under provisions relating to proportionate responsibility in a cause of action for an injury or death.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive director of the Health and Human Services Commission in SECTIONS 1 and 2 of this bill.

ANALYSIS

C.S.S.B. 2505 amends the Health and Safety Code to prohibit a child from engaging in, and a parent or legal guardian of a child from knowingly or recklessly permitting the child to engage in, bull riding, including engaging in that activity outside a rodeo for the purpose of practicing that activity, unless the child is wearing a bull riding helmet and a protective vest. The bill requires a bull riding helmet or protective vest to meet the standards adopted under provisions of the bill. The bill provides that, in a cause of action in which damages are sought for injuries or death suffered by a child in connection with bull riding, the failure of the child or of the parent or legal guardian of the child to comply with provisions of the bill does not constitute responsibility causing or contributing to the cause of the child's injuries or death for purposes of establishing proportional responsibility.

C.S.S.B. 2505 requires a primary or secondary school that sponsors, promotes, or otherwise is associated with a rodeo in which children who attend the school are likely to participate to conduct, before the first rodeo associated with the school in each school year, a mandatory educational program on safety, including the proper use of protective gear, for children planning to participate in the rodeo and authorizes such a program to consist of an instructional video, subject to approval of the Department of State Health Services. The bill prohibits a child from participating in a rodeo associated with the child's school during a school year unless the child has completed the educational program not more than one year before the first day of the rodeo.

C.S.S.B. 2505 requires the executive commissioner of the Health and Human Services

Commission to adopt rules establishing requirements for the educational program described by the bill. The bill requires the executive commissioner by rule to adopt standards for bull riding helmets and protective vests, and authorizes the executive commissioner to adopt standards established under federal law or adopted by a federal agency or a nationally recognized organization. The bill requires the executive commissioner to adopt these rules no later than November 1, 2009.

C.S.S.B. 2505 specifies that its provisions apply only to a rodeo that occurs on or after January 1, 2010. The bill defines "bull riding helmet," "child," "department," "executive commissioner," "protective vest," and "rodeo."

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 2505 removes a provision in the original defining "rodeo helmet."

C.S.S.B. 2505 removes a provision in the original prohibiting a child from engaging in, and a parent or legal guardian of a child from knowingly or recklessly permitting the child to engage in, as a rodeo activity, riding a horse with the goal of remaining on the horse while it attempts to throw off the child or wrestling a steer, including engaging in the activity outside a rodeo for the purpose of practicing the activity, unless the child is wearing a rodeo helmet.

C.S.S.B. 2505 differs from the original by requiring a primary or secondary school that sponsors, promotes, or otherwise is associated with a rodeo in which children who attend the school are likely to participate, to conduct a mandatory education program on safety for children planning to participate in the rodeo before the first rodeo associated with the school in each school year, rather than not more than 14 days before each rodeo associated with the school as in the original.

C.S.S.B. 2505 differs from the original by prohibiting a child from participating in a rodeo associated with the child's school during a school year unless the child has completed such an educational program not more than one year before the first day of the rodeo, whereas the original prohibits a child from such participation unless the child completes the program not more than 14 days before the first day of the rodeo.

C.S.S.B. 2505 removes a provision in the original requiring the executive commissioner of the Health and Human Services Commission by rule to adopt standards for rodeo helmets.